

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02264-EGS

WHITE COAT WASTE PROJECT v. UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS
Assigned to: Judge Emmet G. Sullivan
Case: 1:17-cv-01155-EGS-RMM
Cause: 05:552 Freedom of Information Act

Date Filed: 11/01/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**WHITE COAT WASTE PROJECT**

represented by **Matthew Strugar**
LAW OFFICE OF MATTHEW
STRUGAR
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ATTORNEY TO BE NOTICED

V.

Defendant**UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS**

represented by **Kenneth A. Adebonojo**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
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Date Filed	#	Docket Text
11/01/2017	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Filing fee \$ 400 receipt number 0090-5184665) filed by WHITE COAT WASTE PROJECT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to U.S. Department of Veterans Affairs, # <u>3</u> Summons to U.S. Attorney General, # <u>4</u> Summons to U.S. Attorney's Office)(Strugar, Matthew) (Attachment 1 replaced on 11/8/2017) (znmw). (Entered: 11/01/2017)
11/01/2017	<u>2</u>	NOTICE OF RELATED CASE by WHITE COAT WASTE PROJECT. Case related to Case No. 17-cv-1155. (Strugar, Matthew). Modified to replace fillable related case form on 11/3/2017 (jd). (Entered: 11/01/2017)
11/01/2017		Case Assigned to Judge Emmet G. Sullivan. (jd) (Entered: 11/03/2017)
11/03/2017	<u>3</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 11/03/17. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 11/03/2017)
11/07/2017	<u>4</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF VETERANS AFFAIRS, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 11/07/2017)

11/07/2017	<u>5</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by WHITE COAT WASTE PROJECT (Strugar, Matthew) (Main Document 5 replaced on 11/8/2017) (znmw). (Entered: 11/07/2017)
11/20/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 11/20/2017. Answer due for ALL FEDERAL DEFENDANTS by 12/20/2017. (Strugar, Matthew) (Entered: 11/20/2017)
11/21/2017	7	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 11/14/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS served on 11/14/2017. (See Docket Entry <u>6</u> to view document). (znmw) (Entered: 11/21/2017)
12/21/2017	<u>8</u>	Consent MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 12/21/2017)
01/04/2018		MINUTE ORDER granting <u>8</u> defendant's consent motion for an extension of time. Defendant is directed to answer or otherwise respond to plaintiff's complaint by no later than January 23, 2018. Signed by Judge Emmet G. Sullivan on January 4, 2018. (lcegs2) (Entered: 01/04/2018)
01/05/2018		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To Plaintiff's Complaint due by 1/23/2018. (mac) (Entered: 01/05/2018)
01/22/2018	<u>9</u>	Consent MOTION to Stay by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 01/22/2018)
01/23/2018		MINUTE ORDER denying <u>9</u> consent motion to stay as moot in light of the government's funding restoration. However, in view of the funding lapse and the plaintiff's consent to stay the case, the Court finds good cause to vacate the defendant's January 23, 2018 deadline to answer or otherwise respond to the plaintiff's complaint. The defendant is directed to consult with the plaintiff and propose a new deadline by January 26, 2018. Signed by Judge Emmet G. Sullivan on 1/23/2018. (lcegs3) (Entered: 01/23/2018)
02/05/2018	<u>10</u>	Consent MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 02/05/2018)
02/09/2018		MINUTE ORDER granting <u>10</u> defendant's consent motion for extension of time to file answer or otherwise respond to plaintiff's complaint. It is therefore ordered that the defendant shall answer or otherwise respond to plaintiff's complaint by February 26, 2018. Signed by Judge Emmet G. Sullivan on 2/9/. (lcegs3) (Entered: 02/09/2018)
02/12/2018		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To Plaintiff's Complaint due by 2/26/2018. (mac) (Entered: 02/12/2018)
02/26/2018	<u>11</u>	Consent MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 02/26/2018)
02/27/2018		MINUTE ORDER granting <u>11</u> consent motion for extension of time to file defendant's response to plaintiff's complaint. It is therefore ordered that the defendant shall answer or otherwise respond to plaintiff's complaint by April 3, 2018. The defendant is admonished to request extensions of time at least three business days prior to the scheduled deadline. See <u>3</u> Standing Order, par. 11. Signed by Judge Emmet G. Sullivan on 2/27/2018. (lcegs3) (Entered: 02/27/2018)
02/27/2018		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To Plaintiff's Complaint due by 4/3/2018. (mac) (Entered: 02/27/2018)
04/03/2018	<u>12</u>	Consent MOTION for Extension of Time to <i>File Defendant's Answer or Other Response to Plaintiff's Complaint</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 04/03/2018)

04/04/2018		MINUTE ORDER granting <u>12</u> defendant's motion to enlarge time to file defendant's answer. It is therefore ordered that the defendant shall answer, or otherwise respond, to the plaintiff's complaint by May 3, 2018. Signed by Judge Emmet G. Sullivan on 4/4/2018. (lcegs3) (Entered: 04/04/2018)
04/04/2018		Set/Reset Deadlines: Defendant Answer Or Otherwise Response To The Plaintiff's Complaint due by 5/3/2018, (mac) (Entered: 04/04/2018)
05/03/2018	<u>13</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.(Adebonojo, Kenneth) (Entered: 05/03/2018)
06/12/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than July 12, 2018. The parties' joint proposed scheduling order shall address the following: (1) The status of plaintiff's FOIA request; (2) The anticipated number of documents responsive to plaintiff's FOIA request; (3) The anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) Whether a motion for an Open America stay is likely in this case; (5) Whether a Vaughn index will be required in this case; (6) Whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) A proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on 6/12/2018. (lcegs3) (Entered: 06/12/2018)
06/13/2018		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 7/12/2018. (mac) (Entered: 06/13/2018)
07/09/2018	<u>14</u>	PROPOSED BRIEFING SCHEDULE by WHITE COAT WASTE PROJECT. (Strugar, Matthew) (Entered: 07/09/2018)
07/10/2018		MINUTE ORDER in view of <u>14</u> parties' proposed briefing schedule, the parties shall adhere to the following briefing schedule: (1) defendant's motion for summary judgment and Vaughn index shall be filed by September 14, 2018; (2) plaintiff's opposition and cross-motion for summary judgment shall be filed by October 12, 2018; (3) defendant's reply and opposition shall be filed by November 9, 2018; (4) plaintiff's reply shall be filed by November 26, 2018. Signed by Judge Emmet G. Sullivan on 7/10/2018. (lcegs3) (Entered: 07/10/2018)
07/11/2018		Set/Reset Deadlines: Defendant's Motion For Summary Judgment And Vaughn Index due by 9/14/2018. Plaintiff's Opposition And Cross-Motion For Summary Judgment due by 10/12/2018. Defendant's Reply And Opposition due by 11/9/2018. Plaintiff's Reply due by 11/26/2018. (mac) (Entered: 07/11/2018)
09/17/2018	<u>15</u>	Consent MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 09/17/2018)
09/18/2018		MINUTE ORDER granting <u>15</u> defendant's consent motion for extension of time to file defendant's motion for summary judgment. It is therefore ordered that (1) defendant's motion for summary judgment and Vaughn index shall be filed by October 15, 2018; (2) plaintiff's opposition and cross-motion for summary judgment shall be filed by November 15, 2018; (3) defendant's reply and opposition shall be filed by December 10, 2018; (4) plaintiff's reply shall be filed by December 26, 2018. Signed by Judge Emmet G. Sullivan on 9/18/2018. (lcegs3) (Entered: 09/18/2018)
09/19/2018		Set/Reset Deadlines: Defendant's Motion For Summary Judgment And Vaughn Index due by 10/15/2018. Plaintiff's Opposition And Cross-Motion For Summary Judgment due by 11/15/2018. Defendant's Reply And Opposition due by 12/10/2018. Plaintiff's Reply due by 12/26/2018. (mac) (Entered: 09/19/2018)
10/12/2018	<u>16</u>	MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 10/12/2018)
10/16/2018		MINUTE ORDER treating as opposed and granting <u>16</u> defendant's motion for extension of time. The parties shall therefore adhere to the following briefing schedule:

		(1) Defendants motion for summary judgment and Vaughn index shall be filed by November 15, 2018; (2) Plaintiffs opposition and cross-motion for summary judgment shall be filed by December 15, 2018; (3) Defendants reply and opposition shall be filed by January 7, 2019; (4) Plaintiff's reply shall be filed by January 25, 2019. Signed by Judge Emmet G. Sullivan on 10/16/2018. (lcegs3) (Entered: 10/16/2018)
10/17/2018		Set/Reset Deadlines: Defendants Motion For Summary Judgment And Vaughn Index due by 11/15/2018. Plaintiffs Opposition And Cross-Motion For Summary Judgment due by 12/15/2018. Defendants Reply And Opposition due by 1/7/2019. Plaintiff's Reply due by 1/25/2019. (mac) (Entered: 10/17/2018)
11/14/2018	<u>17</u>	Consent MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 11/14/2018)
11/15/2018		MINUTE ORDER granting <u>17</u> defendant's consent motion for extension of time to file defendant's motion for summary judgment. The parties shall therefore adhere to the following, revised briefing schedule: (1) Defendants motion for summary judgment and Vaughn index is due by November 30, 2018; (2) Plaintiffs opposition and cross-motion for summary judgment is due by January 7, 2019; (3) Defendants reply and opposition is due by January 25, 2019; (4) Plaintiffs reply is due by February 15, 2019. Signed by Judge Emmet G. Sullivan on 11/15/2018. (lcegs3) (Entered: 11/15/2018)
11/15/2018		Set/Reset Deadlines: Defendants Motion For Summary Judgment And Vaughn Index due by 11/30/2018. Plaintiffs Opposition And Cross-Motion For Summary Judgment due by 1/7/2019. Defendants Reply And Opposition due by 1/25/2019. Plaintiffs Reply due by 2/15/2019. (mac) (Entered: 11/15/2018)
11/30/2018	<u>18</u>	Consent MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 11/30/2018)
12/03/2018	<u>19</u>	Consent MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 12/03/2018)
12/03/2018		MINUTE ORDER granting <u>19</u> defendant's consent motion for extension of time to file motion for summary judgment. The parties shall therefore adhere to the following briefing schedule: (1) Defendant's motion for summary judgment and Vaughn index shall be filed by December 7, 2018; (2) Plaintiff's opposition and cross-motion for summary judgment shall be filed by January 14, 2019; (3) Defendant's reply and opposition shall be filed by January 25, 2019; (4) Plaintiff's reply shall be filed by February 15, 2019. Signed by Judge Emmet G. Sullivan on 12/3/2018. (lcegs3) (Entered: 12/03/2018)
12/04/2018		Set/Reset Deadlines: Defendant's Motion For Summary Judgment And Vaughn Index due by 12/7/2018. Plaintiff's Opposition And Cross-Motion For Summary Judgment due by 1/14/2019. Defendant's Reply And Opposition due by 1/25/2019. Plaintiff's Reply due by 2/15/2019. (mac) (Entered: 12/04/2018)
12/07/2018	<u>20</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit)(Adebonojo, Kenneth) (Entered: 12/07/2018)
01/14/2019	<u>21</u>	Cross MOTION for Summary Judgment by WHITE COAT WASTE PROJECT (Attachments: # <u>1</u> Memorandum in Support of Plaintiff's Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment, # <u>2</u> Plaintiff's Counter-Statement of Material Fact, # <u>3</u> Declaration of Justin Goodman in Support of Plaintiff White Coat Waste Projects Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment, # <u>4</u> Declaration of Matthew Strugar in Support of Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment, # <u>5</u> Plaintiffs Evidentiary Objections to the Evidence Submitted in Support of Defendants Motion for Summary Judgment)(Strugar, Matthew) (Entered: 01/14/2019)

01/14/2019	<u>22</u>	Memorandum in opposition to re <u>20</u> MOTION for Summary Judgment filed by WHITE COAT WASTE PROJECT. (Attachments: # <u>1</u> Counter-Statement of Material Facts, # <u>2</u> Declaration of Justin Goodman in Support of Plaintiff's Cross-Motion for Summary Judgment and Opposiiton to Defendant's Motion for Summary Judgment, # <u>3</u> of Matthew Strugar in Support of Plaintiff's Cross-Motion for Summary Judgment and Opposiiton to Defendant's Motion for Summary Judgment, # <u>4</u> Plaintiffs Evidentiary Objections to the Evidence Submitted in Support of Defendants Motion for Summary Judgment)(Strugar, Matthew) (Entered: 01/14/2019)
01/28/2019	<u>23</u>	NOTICE of Non- <i>Opposition</i> by WHITE COAT WASTE PROJECT re <u>21</u> Cross MOTION for Summary Judgment (Strugar, Matthew) (Entered: 01/28/2019)
01/31/2019	<u>24</u>	MOTION for Extension of Time to <i>File Defendant's Opposition/Reply to Plaintiff's Cross-Motion and in Further Support of Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 01/31/2019)
01/31/2019	<u>25</u>	Memorandum in opposition to re <u>24</u> MOTION for Extension of Time to <i>File Defendant's Opposition/Reply to Plaintiff's Cross-Motion and in Further Support of Defendant's Motion for Summary Judgment</i> filed by WHITE COAT WASTE PROJECT. (Attachments: # <u>1</u> Declaration in Support of Opposition to Motion for Enlargement of Time)(Strugar, Matthew) (Entered: 01/31/2019)
02/01/2019		NOTICE OF ERROR re <u>25</u> Memorandum in Opposition; emailed to matthew@matthewstrugar.com, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Leave to file not yet requested and/or granted, 2. Do Not Refile -- when seeking leave, you must file the doc as an attachment (zjf,) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER granting over objection <u>24</u> defendant's motion for extension of time to file defendant's opposition/reply to plaintiff's cross-motion and in further support of defendant's motion for summary judgment. Defendant shall file its opposition or reply by no later than February 7, 2019, and plaintiff shall file its responsive pleading by no later than February 28, 2019. Signed by Judge Emmet G. Sullivan on 2/1/2019. (lcegs3) (Entered: 02/01/2019)
02/04/2019		Set/Reset Deadlines: Defendant Opposition Or Reply due by 2/7/2019. Plaintiff Responsive Pleading due by 2/28/2019. (mac) (Entered: 02/04/2019)
02/04/2019		NOTICE OF ERROR re <u>25</u> Memorandum in Opposition; emailed to matthew@matthewstrugar.com, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Please disregard earlier notice to refile... (zjf,) (Entered: 02/04/2019)
02/07/2019	<u>26</u>	MOTION for Extension of Time to <i>File Defendant's Opposition/Reply to Plaintiff's Cross Motion/Opposition to Defendant's Motion for Summary Judgment</i> by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS (Adebonojo, Kenneth) (Entered: 02/07/2019)
02/07/2019		MINUTE ORDER granting over objection <u>26</u> defendant's motion for extension of time to file defendant's opposition/reply to plaintiff's cross motion/opposition to defendant's motion for summary judgment. Defendant shall file its opposition and reply by no later than February 8, 2019, and plaintiff shall file its responsive pleading by no later than February 28, 2019. Signed by Judge Emmet G. Sullivan on 2/7/2019. (lcegs3) (Entered: 02/07/2019)
02/08/2019		Set/Reset Deadlines: Defendant Opposition And Reply due by 2/8/2019. Plaintiff Responsive Pleading due by 2/28/2019. (mac) (Entered: 02/08/2019)
02/08/2019	<u>27</u>	REPLY to opposition re <u>21</u> <u>20</u> MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Adebonojo, Kenneth) . (Entered: 02/08/2019)
02/11/2019		NOTICE OF ERROR re <u>27</u> Reply to opposition to Motion; emailed to kenneth.adebonojo@usdoj.gov, cc'd 4 associated attorneys -- The PDF file you docketed contained errors: 1. Two-part docket entry, 2. Please refile document, 3. Same pleading using the "OPPOSITION" event (zjf). (Entered: 02/11/2019)

02/11/2019	<u>28</u>	Memorandum in opposition to re <u>21</u> Cross MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF VETERANS AFFAIRS. (Adebonojo, Kenneth) (Entered: 02/11/2019)
02/20/2019	<u>29</u>	REPLY to opposition to motion re <u>21</u> Cross MOTION for Summary Judgment filed by WHITE COAT WASTE PROJECT. (Strugar, Matthew) (Entered: 02/20/2019)
08/29/2019	<u>30</u>	ORDER granting in part and denying in part <u>20</u> Defendant's Motion for Summary Judgment; granting in part, denying in part, and holding in abeyance <u>21</u> Plaintiff's Cross-Motion for Summary Judgment. It is FURTHER ORDERED that Defendant shall submit supplemental declarations or affidavits consistent with the Memorandum Opinion by no later than September 30, 2019. It is FURTHER ORDERED that Plaintiff's request for in camera review and the production of the animal research protocol is DENIED WITHOUT PREJUDICE, and that the issue of whether the agency has "officially acknowledged" the principal investigator's name is DEFERRED until further Order of this Court. It is FURTHER ORDERED that the parties shall submit a joint status report with a recommendation for further proceedings by no later than October 28, 2019. Signed by Judge Emmet G. Sullivan on 8/29/2019. (lcegs3) (Entered: 08/29/2019)
08/29/2019	<u>31</u>	MEMORANDUM OPINION. Signed by Judge Emmet G. Sullivan on 8/29/2019. (lcegs3) (Entered: 08/29/2019)